

Oscar Ramallo (Bar No. 241487)
oscar.ramallo@arnoldporter.com
ARNOLD & PORTER KAYE SCHOLER LLP
777 South Figueroa Street, 44th Floor
Los Angeles, CA 90017
Telephone: (213) 243-4000
Facsimile: (213) 243-4199

Attorney for Plaintiff
Kaji Dousa

[Additional counsel listed on following page.]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KAJI DOUSA,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY (“DHS”); U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT
 (“ICE”); U.S. CUSTOMS AND BORDER
PROTECTION (“CBP”) KEVIN K.
MCALEENAN, Acting Secretary of DHS;
MATTHEW T. ALBENCE, Acting Director
of ICE; MARK A. MORGAN, Acting
Commissioner of CBP; AND PETER
FLORES, Director of Field Operations for
CBP, San Diego,

Defendants.

Case No. 19-cv-01255 (LAB)

**PLAINTIFF’S NOTICE OF
MOTION AND MOTION FOR
A PRELIMINARY
INJUNCTION**

Date: September 23, 2019

Time: 11:30 a.m.

Place: Courtroom 14A

Judge: Hon. Larry Alan Burns

Oral Argument Requested

[Filed concurrently with
Memorandum of Points &
Authorities and Declaration of
Pastor Kaji Dousa]

1 R. Stanton Jones (*pro hac vice*) (DC SBN 987 987088)

2 stanton.jones@arnoldporter.com

3 William C. Perdue (*pro hac vice*) (DC SBN 995365)

4 William.Perdue@arnoldporter.com

5 Christian D. Sheehan (*pro hac vice*) (DC 1045233)

6 christian.sheehan@arnoldporter.com

7 Jaba Tsitsuashvili (Bar No. 309012)

8 jaba.tsitsuashvili@arnoldporter.com

9 Jean Chang* (DC SBN 1035614)

10 jean.chang@arnoldporter.com

11 ARNOLD & PORTER KAYE SCHOLER LLP

12 601 Massachusetts Ave., NW

13 Washington, DC 20001

14 Telephone: (202) 942-5000

15 Facsimile: (202) 942-5999

16 Ada Añon (*pro hac vice*) (NY 5030697)

17 ada.anon@arnoldporter.com

18 Leah J. Harrell (*pro hac vice*) (NY 5623335)

19 leah.harrell@arnoldporter.com

20 ARNOLD & PORTER KAYE SCHOLER LLP

21 250 West 55th St.

22 New York, NY 10019

23 Telephone: (212) 836-8000

24 Facsimile: (212) 836-8689

25 Stephanie Llanes (*pro hac vice*) (NY SBN 5580014)

26 stephanie.llanes@protectdemocracy.org

27 PROTECT DEMOCRACY

28 222 Broadway, 19th Floor

New York, NY 10038

Telephone: (202) 579-4582

Anne Tindall (*pro hac vice*) (DC SBN 494607)

anne.tindall@protectdemocracy.org

PROTECT DEMOCRACY

2020 Pennsylvania Avenue NW, Suite # 163

Washington, DC 20006

Telephone: (202) 579-4582

1 Genevieve Nadeau (*pro hac vice*) (MA SBN 677566)
2 genevieve.nadeau@protectdemocracy.org
3 Ben Berwick (*pro hac vice*) (MA SBN 679207)
4 PROTECT DEMOCRACY
5 82 Nassau St. #601
6 New York, NY 10038

7 *Attorneys for Plaintiff*
8 *Kaji Dousa*

9 **Amended pro hac vice application forthcoming*
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 **TO THE COURT, ALL PARTIES, AND COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE THAT pursuant to Rule 65(a) of the Federal Rules
 3 of Civil Procedure and Local Civil Rule 7.1, on September 23, 2019, at 11:30 a.m.,
 4 in Courtroom 14A of this Court located at 333 West Broadway, San Diego,
 5 California, Plaintiff Kaji Dousa will move, and hereby does move, for a preliminary
 6 injunction against the United States Department of Homeland Security (“DHS”);
 7 United States Immigration and Customs Enforcement (“ICE”); United States
 8 Customs and Border Patrol (“CBP”); Kevin K. McAleenan, Acting Secretary of
 9 DHS; Matthew T. Albence, Acting Director of ICE; Mark A. Morgan, Acting
 10 Commissioner of CBP), and Peter Flores, Director of Field Operations for CBP, San
 11 Diego (together, “Defendants) for their violation of the First Amendment’s Free
 12 Exercise and Free Speech Clauses, which prohibit Defendants from discriminating
 13 or retaliating against her based on religious exercise or protected expression, and the
 14 Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb *et seq.*, which prohibits
 15 Defendants from substantially burdening Pastor Dousa’s exercise of her chosen
 16 religion.

17 Pastor Kaji Dousa is a Christian pastor who ministers to, and advocates for,
 18 immigrant communities as part of the exercise of her faith. Because she engages in
 19 these activities protected by the First Amendment, Defendants have targeted Pastor
 20 Dousa for adverse treatment, including revoking border-crossing privileges they once
 21 provided her, and subjecting her to unwarranted surveillance, detention,
 22 interrogation, and harassment. Defendants’ actions are part of a disturbing pattern
 23 and practice of targeting faith leaders, journalists, and advocates for adverse
 24 treatment in order to stifle opposition to U.S. immigration policy, and to punish those
 25 who offer comfort, aid, or ministry to migrants.

1 Accordingly, for these reasons and the reasons set forth in the accompanying
 2 memorandum of points and authorities, Pastor Dousa seeks a preliminary injunction
 3 ordering Defendants to comply with the United States Constitution and federal law,
 4 to cease their adverse treatment of her, to restore her status as a “trusted traveler” as
 5 part of the Secure Electronic Network for Travelers Rapid Inspection program, and
 6 restrain Defendants from taking any future adverse action against her based on her
 7 protected expression, association, or religious exercise.

8 This motion is based upon this notice of motion and motion, the accompanying
 9 memorandum of point and authorities, and the supporting declaration of Pastor Kaji
 10 Dousa and upon other testimony, evidence, records and pleadings in this matter that
 11 the Court may allow or admit.

12
 13 Dated: July 25, 2019

Respectfully submitted,
 ARNOLD & PORTER KAYE
 SCHOLER LLP

14
 15 By: /s/ Oscar Ramallo

16 Oscar Ramallo
 17 Oscar.Ramallo@arnoldporter.com
 18 R. Stanton Jones (*pro hac vice*)
 Stanton.Jones@arnoldporter.com
 19 William C. Perdue (*pro hac vice*)
 William.Perdue@arnoldporter.com
 20 Ada Añon (*pro hac vice*)
 Ada.Anon@arnoldporter.com
 21 Christian D. Sheehan (*pro hac vice*)
 Christian.Sheehan@arnoldporter.com
 22 Jaba Tsitsuashvili (Bar No. 309012)
 Jaba.Tsitsuashvili@arnoldporter.com
 23 Leah J. Harrell (*pro hac vice*)
 Leah.Harrell@arnoldporter.com
 24 Jean Chang*
 25 Jean.Chang@arnoldporter.com
 26
 27

1 ARNOLD & PORTER KAYE
2 SCHOLER LLP

3 Stephanie Llanes (*pro hac vice*)
4 stephanie.llanes@protectdemocracy
.org

5 Anne Tindall (*pro hac vice*)
anne.tindall@protectdemocracy.org

6 Genevieve Nadeau (*pro hac vice*)

Ben Berwick (*pro hac vice*)

7 PROTECT DEMOCRACY

8 Attorneys for Plaintiff Kaji Dousa

9 **Amended pro hac vice application*
10 *forthcoming*

Certificate of Service

I hereby certify that on July 25, 2019, I electronically filed the foregoing with the Court by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Respectfully,

ARNOLD & PORTER KAYE
SCHOLER LLP

/s/ Oscar Ramallo

Oscar Ramallo

Oscar.Ramallo@arnoldporter.com